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*Counsel for Defendant DUBOIS CHEMICALS, Inc.
a Delaware Corporation.*

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 MI-94, LLC, a Nevada limited liability company,
also known as METALAST INTERNATIONAL
12 LLC, a Nevada limited liability company,
Plaintiff,

13 vs.

14 CHEMETALL US, INC., a Delaware
15 corporation; BASF CORPORATION, a
Delaware corporation; QUALICHEM INC., a
16 Virginia corporation; DUBOIS CHEMICALS,
INC., a Delaware corporation; MILES
17 CHEMICAL COMPANY, a California
18 corporation; JOHN SCHNEIDER AND
ASSOCIATES, INC., a Wisconsin corporation;
19 BROCO PRODUCTS, INC., an Ohio
corporation; RONATEC C2C, a California
20 corporation; ELECTROPLATING
CONSULTANTS INTERNATIONAL, an
21 Oklahoma corporation; ALBEMARLE
CORPORATION, a Nevada corporation;
22 SOUTHERN INDUSTRIAL CHEMICALS,
INC, an Alabama corporation; Dean Meiling,
23 and individual, Madylon Meiling, an individual;
24 DSM Partners, LLC, a Nevada entity;
25 CHEMEON SURFACE TECHNOLOGY, a
Nevada entity; and DOES 1-10, inclusive,

26 Defendants.
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Case No. 2:23-cv-00647

**STIPULATION AND ORDER TO
EXTEND TIME FOR DEFENDANT
DUBOIS CHEMICALS, INC. TO
ANSWER OR OTHERWISE RESPOND
TO AMENDED COMPLAINT**

(First Request)

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and District of Nevada Local Rule IA 6-1, Plaintiff MI-94, LLC (“Plaintiff” or “MI-94”) and Defendant DuBois Chemical, Inc. (“Defendant” or “DuBois”), through counsel, hereby agree and stipulate, as follows:

1. MI-94 filed their Complaint (the “Complaint”) on April 4, 2023.
2. MI-94 served the Summons and Complaint on DuBois on June 14, 2023.
3. MI-94 filed their Amended Complaint (the “Amended Complaint”) on July 24, 2023.
4. Pursuant to Rule 15(a)(3) of the Federal Rules of Civil Procedure, Defendant’s response to the Amended Complaint must be made within the time remaining to respond to the original Complaint or within 14 days after service of the amended pleading, whichever is later. Defendant and Plaintiff previously have stipulated to an extension for Defendant to answer or otherwise respond to the original Complaint by August 14, which stipulation was granted on July 18, 2023. [ECF No. 55].
5. Defendant and Plaintiff now stipulate to a 30-day extension of time to file and serve an answer or otherwise respond to the new Amended Complaint, until September 13, 2023. Based on the latest discussion between counsel for the undersigned, it is anticipated that a dismissal with prejudice will be filed as to Dubois Chemical, Inc. before this date.
6. This stipulated extension is requested to allow the parties to review and consider the Settlement Agreement previously entered into by DuBois Chemicals, Inc. with David M. Semas and Metalast, Inc. in the prior U.S. District Court District of Nevada related action titled *David M. Semas, et al. v. Chemetall US, Inc. et al.*, Case No. 3:19-cv-00125-MMD-CBC, on or about March 3, 2020, and the effect this Settlement Agreement now has on the *Amended Complaint*. DuBois resolved all legal issues with Plaintiffs Semas and Metalast, Inc. in the prior action and those parties are apparently affiliated with Plaintiff MI-94, LLC in this current action. DuBois believes that the current MI-94, LLC claims concern the same or similar legal issues that already have been resolved through the prior *Semas* litigation and Settlement Agreement. Additional time is requested, therefore, so that the parties might meet and confer regarding this potentially case dispositive issue as to the new Amended Complaint.

7. This is the first stipulation to extend the date for Defendant to answer or otherwise respond to the Amended Complaint.

IT IS SO AGREED AND STIPULATED:

HOWARD & HOWARD ATTORNEYS PLLC

EARLY SULLIVAN WRIGHT GIZER & McRAE LLP

By: /s/ W. West Allen

By: /s/ Jeremy J.F. Gray

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Attorneys for Defendant
DuBois Chemicals, Inc.

Attorneys for Plaintiff
MI-94, LLC, also known as
METALAST INTERNATIONAL LLC

IT IS SO ORDERED:



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: August 15, 2023